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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

JUAN HERNANDEZ, et al.,  
  
Plaintiffs,  
  
v.  
  
CITY OF SAN JOSE, et al.,  
  
Defendants.

Case Number: 5:16-cv-03957-LHK

Honorable Lucy H. Koh

**STIPULATION AND ~~PROPOSED~~  
ORDER ADVANCING CASE  
MANAGEMENT CONFERENCE TO  
DECEMBER 11, 2019**

Date: December 18, 2019

Time: 2:00 p.m.

Courtroom: 8

Trial Date: June 19, 2020

Pursuant to Local Rules 6-1 and 6-2, Plaintiffs Juan Hernandez, Nathan Velasquez, Frank Velasquez, Rachel Casey, Mark Doering, Mary Doering, Barbara Arigoni, Dustin Haines-Scroding, Andrew Zambetti, Christina Wong, Craig Parsons, I.P., a minor, Greg Hyver, Todd Broome, Martin Mercado, Christopher Holland, Theodore Jones, Donovan Rost, Michele Wilson, and Cole Cassady (collectively, “Plaintiffs”), Defendants City of San Jose, Loyd Kinsworthy, Lisa Gannon, Kevin Abruzzini, Paul Messier, Paul Spagnoli, Johnson Fong, and Jason Ta (collectively, “Defendants”), by and through their counsel of record, hereby stipulate and agree as follows:

1. On September 12, 2019, the Court issued a Case Management Order (Dkt. 143), ordering the Parties to attend a further settlement conference with Magistrate Judge Nathanael Cousins, to be completed by December 6, 2019; continuing the further case management conference originally scheduled for September 18, 2019 to December 18, 2019; and ordering the Parties to file a joint case management statement by December 11, 2019;

2. The Parties are scheduled to participate in the further settlement conference on November 26, 2019 (Dkt. 148);

3. Plaintiffs’ lead trial counsel is unavailable to attend the case management conference on the date set by the Court, in person, due to upcoming holiday travel plans;

4. In light of this conflict, the Parties stipulate and request that the Court advance the case management conference by one week to December 11, 2019, and order that the Parties file a joint case management statement no later than December 4, 2019;

5. The requested advancement will not result in prejudice to any party, and is not expected to have any impact on judicial proceedings.

6. The Court has previously ordered the following schedule modifications:

a. On August 4, 2016, the Court continued the initial case management conference from October 12, 2016 to October 13, 2016. Dkt. 7.

b. On August 15, 2016, the Court reset the briefing schedule on the City Defendants’ Motion to Dismiss Complaint. Dkt. 9.

c. On December 1, 2016, the Court set the briefing schedule and hearing for the City Defendants’ Joint Motion to Dismiss First Amended Complaint. Dkt. 40.

- d. On March 7, 2017, the Court continued a case management conference from March 9, 2017 to March 16, 2017. Dkt. 71.
- e. On March 16, 2017, the Court granted Plaintiffs additional time to serve Defendants Anthony McBride and Daniel Arciga. Dkt. 77.
- f. On March 16, 2017, the Court modified all deadlines associated with the class certification motion, close of fact discovery, expert discovery, hearing on dispositive motions, final pretrial conference, and jury trial. Dkt. 77.
- g. On March 17, 2017, the Court continued a further case management conference by two weeks. Dkt. 79.
- h. On May 15, 2017, the Court issued an order staying the action pending an appeal by Defendants. Dkt. 96.
- i. On December 5, 2018, the Court issued an order setting the current case schedule and scheduling this action for trial beginning on June 19, 2020. Dkt. 107.
- j. On June 27, 2019, the Court issued an order continuing the case management conference from July 3, 2019 to September 18, 2019. Dkt. 132.
- k. On September 12, 2019, the Court issued an order continuing the case management conference from September 18, 2019 to December 18, 2019. Dkt. 143.

Respectfully submitted,

Dated: November 25, 2019

DHILLON LAW GROUP INC.

By: /s/ Gregory R. Michael

Gregory R. Michael (SBN: 306814)  
Attorney for Plaintiffs

Dated: November 25, 2019

OFFICE OF THE CITY ATTORNEY, SAN JOSE

By: /s/ Matthew Pritchard

Matthew Pritchard (SBN: 284118)  
Attorneys for the City of San Jose, Loyd Kingsworthy, Lisa Gannon, Kevin Abruzzini, Paul Messier, Paul Spagnoli, Johnson Fong, and Jason Ta

**ATTESTATION PER L.R. 5-1**

I, Gregory R. Michael, hereby attest, pursuant to Local Rule 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto:

Dated: November 25, 2019

DHILLON LAW GROUP INC.

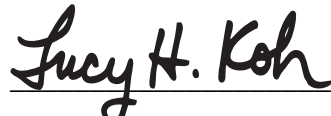
By: /s/ Gregory R. Michael  
Gregory R. Michael (SBN: 306814)  
Attorney for Plaintiffs

~~[PROPOSED]~~ ORDER

Pursuant to the Stipulation, and good cause appearing, the Further Case Management Conference is advanced to December 11, 2019 at 2:00 p.m., in courtroom 8 on the 4<sup>th</sup> floor, in the San Jose Division. The Parties shall file a joint case management statement by December 4, 2019.

PURSUANT OT STIPULATION, IT IS SO ORDERED.

Dated: November 26, 2019



HON. LUCY H. KOH